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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,523

Applicant(s)

RITTER, RUDOLF

Examiner

CUONG H. NGUYEN

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This Office Action is the answer to the amendment received on 11/30/2004.
2. Claims 1-38 are pending; claims 1-19 are withdrawn; claim 20 is canceled on 11/30/004.

Response

3. The examination respectfully submits that it WAS a serious burden to search and examine the entire application having 2 distinct groups as previously indicated on 3/24/2004 (representing claims 1-19 (group I), and claims 20-31 (group II), respectively - these 2 groups represent 2 different subject matters as cited). After reconsideration, it is the examiner's position to make final the restriction issued previously (i.e., claims 1-19 were restricted).

The examiner respectfully submits that the environment for this selling is a radio network (it is similar to "mobile radio network"/public broadcasting); therefore, that environment for selling product using public broadcasting, and an electronic token in transactions is old and well-known.

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- Von Kohorn (US 6,443,840) teaches about a token exchangeable for a product.

- US Pat. 6,052,591 teaches that a text message protocol may be SMS or USSD protocol.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32, 21-27, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hannula et al. (US Pat. 6,366,893), in view of Berger et al. (US Pat. 5,943,424), in view of Farmer et al. (US Pat. 6,229,533), further in view of Bhatia (US Pat. 6,052,591).

A. It is directed to a sale method using a token that represents related information (buyer, seller, manufacturer, quantity .etc.) in a mobile communication environment (see Hannula et al.).

Hannula et al. teach about using a mobile radio network for interactive communications in a method for e-commerce using "tokens", which correspond to certain goods (including

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"broadcasting" and storing information), (see Hannula et al., 1:13-29).

Berger et al. also suggest "an electronic token" would contain information to be used as a certificate identifying ordered products.

Hannula et al. also suggest that "an electronic token" being transmitted and being exchangeable for a respective product/item; it is obvious that Hannula et al., or Berger et al.'s "TOKEN" would be used as a certified ticket to purchase because it contains necessary information for that particular transaction.

During an order, if the respective item or the respective service is available in stock, a corresponding "token" is transmitted via a mobile radio network to a mobile device of an ordering participant and is stored there. Hannula et al.'s TOKEN can be used to perform above function.

It is old and well-known that an available product number would be subtracted anytime from stocking/balance if an order is placed; therefore, claiming that "a corresponding quantity indication about the available number being decreased by increments for each received order for which a token was transmitted" would not be an inventive idea.

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Hannula and Berger et al. do not disclose about adjusting the quantity information based on the token.

However, Farmer et al. perform that function (e.g., token's information are modified in 50:41-42).

Hannula, Farmer et al., and Berger et al. do not disclose about transmitting a text message protocol.

However, Bhatia suggests that information (a text message protocol comprising SMS or USSD in the abstract, and in 1:36-40).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to implement Hannula et al. with Berger et al., Bhatia, and Farmer et al. to contain above detailed information in a TOKEN because Hannula et al.'s electronic TOKEN would be able to contain extra necessary modified information in order to clearly indicate a status of an order to a buyer in a mobile radio communication.

B. As per dependent claim 21:

The rationale and reference for above rejection of claim 32 are incorporated.

It is old and well-known in commerce to stop an offering for sale of an item when a product was sold-out (available number of product equals zero); this would have been obvious with one of ordinary skill in the art to implement cited

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references as in claim 32 with instructions to perform that claimed step for a benefit of store's inventory: giving a buyer a signal about a current status/stocking of goods.

C. As per dependent claim 22:

The rationale and reference for above rejection of claim 32 are incorporated.

It is old and well-known in selling business about sending a signal to stop an offering for sale, due to a given due date/expired for such offer. Therefore, it would have been obvious to one of ordinary skill in the art to implement cited references as in claim 32 to stop the offering for sale of a respective item, then executing said instruction when an expiration date for this respective item has passed for a benefit of automatically giving a buyer a response about a pre-determined decision on certain discounts/rebates.

D. As per dependent claim 23:

The rationale and reference for above rejection of claim 32 are incorporated.

It is old and well-known for a buyer to send an order containing an order quantity for a benefit of clarification in purchasing. Cited references for a rejection of claim 32 obviously suggest that claimed limitation.

E. As per dependent claims 25, and 31:

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A transmitted token comprises a number/identification data, this data could be a delivery number/address because this is a part of an electronic TOKEN's detailed description.

F. As per dependent claim 26:

The rationale and reference for above rejection of claim 32 are incorporated.

It is old and well-known in commerce that an ability to pay for a goods/service of a interested participant is checked/verified before communicating to a potential buyer (e.g., if a buyer is eligible for an advertised transaction, a token would be transmitted to him).

G. As per dependent claim 27:

The rationale and reference for above rejection of claim 32 are incorporated.

It is old and well-known in commerce that a negative decision could be sending to a potential buyer for not qualifying/conforming (e.g., if a buyer does not have a "TOKEN" to continue communications, or if there is a problem with charged cards (VISA/MASTER cards .etc)).

5. Dependent claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hannula et al. (US Pat. 6,366,893), in view of Berger et al. (US Pat. 5,943,424), in view of Farmer

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et al. (US Pat. 6,229,533), further in view of Bhatia (US Pat. 6,052,591), and further in view of Katz (WO 96/34471).

The rationale and reference for above rejection of claim 20 are incorporated.

In a similar application, Katz teaches about posting a transaction to a calling party's account (see Katz, the abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine cited references of claim 32 with Katz to teach that costs of an item ordered by a ordering participant are charged to his account including wireless communications costs because this would simplify a billing process for both parties (rather than billing them separately).

6. Dependent claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hannula et al. (US Pat. 6,366,893), in view of Berger et al. (US Pat. 5,943,424), in view of Farmer et al. (US Pat. 6,229,533), further in view of Bhatia (US Pat. 6,052,591), and in view of Rautiola et al. (US Pat. 5,991,639).

The rationale and reference for above rejection of claim 20 are incorporated.

Hannula et al. do not disclose that a chip-card is used to charge a buyer for his transaction.

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However, Rautiola et al. teach that a SIM card contains enough memory to store extra information such as charges for purchased goods (see Rautiola et al., 11:34-56).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine cited references for a rejection of claim 32 with Rautiola et al. to teach that an ordered item would be charged to him on his chip card because besides containing telephone number, various fields on this chip card can stored various information (e.g., charges for ordered items) for the benefit of simplifying a billing process, and sending accurate data in a safe environment.

7. Dependent claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hannula et al. (US Pat. 6,366,893), in view of Berger et al. (US Pat. 5,943,424), in view of Farmer et al. (US Pat. 6,229,533), further in view of Bhatia (US Pat. 6,052,591), and in view of Freytag (US Pat. 5,602,743).

The rationale and reference for above rejection of claim 32 are incorporated.

Hannula et al. do not disclose that a removable chip-card is used in their system.

However, Freytag discloses that idea (see Freytag, 2:24-28, 9:61-64).

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It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine cited references for a rejection of claim 32 with Freytag et al. to teach about using a removable chip card for the benefit of sending and receiving/storing accurate data for separate transactions.

Conclusion

8. Pending claims are not patentable. The submitted amendment necessitates a new ground of rejections; accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 703-305-4553. The examiner can normally be reached on 7:15am - 3:45pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 703-305-8233. The fax phone number for the organization where this application is assigned is 703-305-7687. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cuong H. Nguyen

CHAN
CUONG H. NGUYEN
Primary Examiner
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